

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAMER ESSA, on behalf of himself and
others similarly situated in the proposed FLSA
Collective Action,

Plaintiff,

v.

EAST SIDE PIZZA CORP., 1580 FOOD
CORP., HESHAM ATTIA, and MOHAMED
MORSI,

Defendants.

AFFIDAVIT OF
MICHAEL K. CHONG, ESQ.

1:24-cv-05080-LAP

Michael K. Chong, being duly sworn upon his oath deposes and states:

1. I am an attorney at law admitted to practice before the United States District Court for the Southern District of New York, and I am the attorney for defendants EAST SIDE PIZZA CORP., 1580 FOOD CORP., and HESHAM ATTIA (hereinafter collectively referred as "Defendants") in this action. I have personal knowledge of the facts set forth in this Affidavit, which I make in support of a Motion for Leave to Withdraw as Counsel for Defendants.
2. On or about July 16, 2024 I was retained as Counsel for Defendants in this matter.
3. I have sought diligently to work with Defendants to obtain information in efforts to litigate this matter to no avail.
4. Without disclosing privileged attorney client communications, there is a general breakdown in communication with Defendants which prevents me from effectively representing them in this litigation.
5. I have made multiple attempts to contact Defendants to provide me with the information and other documents concerning this matter, and to discuss the potential for settlement to no avail.
6. Without disclosing privileged attorney client communications, Defendants have not been responsive to my requests for information and documents, and answers to my numerous questions

concerning the potential for settlement.

7. For example, on or about November 26, 2024, my office emailed Defendants a request for additional documentation and information that could facilitate settlement discussions, and since that time my office and I have reached out to Defendants numerous times to contact us to work on responses, to no avail.

8. In addition, my office further requested documents and information concerning discovery in this matter to no avail. My office sent multiple follow up emails on November 29, 2024, and December 9, 2024, and thereafter, to no avail. I also made phone calls and text messages up to and including today to Defendants to no avail.

9. Based on the above, I have sent an email and text messages to defendants EAST SIDE PIZZA CORP., 1580 FOOD CORP., and HESHAM ATTIA advising that I intend to seek the Court's permission to withdraw as their counsel based on the above.

10. In sum, Defendants are unresponsive to my many communications and requests for information and documentation. Under these circumstances, it is virtually impossible to effectively represent Defendants' interests, and it will be a substantial hardship to be required to continue representing Defendants.

11. For all of the above reasons, I respectfully request that the Court grant my application to withdraw as counsel for defendants EAST SIDE PIZZA CORP., 1580 FOOD CORP., and HESHAM ATTIA in this matter.

12. In addition, it is requested that Defendants be provided with sufficient time to retain new counsel.

13. Defendants are being provided with a copy of my application to withdraw as counsel, with the Notice of Motion, Affidavit and proposed Order being sent to Defendants by email, the established method of communication between my office and Defendants.

14. I will not be retaining a lien on Defendants' file.

Date: March 27, 2025

Law Offices of Michael K. Chong, LLC

By: *s/ Michael K. Chong*
Michael K. Chong, Esq.
Attorney for Defendants

2 Executive Drive, Ste. 240
Fort Lee, NJ 07024
Ph#: (201) 947-5200
Fx#: (201) 708-6676

300 Hudson Street, Ste. 10
Hoboken, NJ 07030
Ph#: (201) 708-6675
Fx#: (201) 708-6676

32 East 57th Street, 8th FL.
New York, NY 10022
Ph#: (212) 726-1104
Fx#: (212) 726-3104
MKC@mkclawgroup.com